

02.02.2022
Court No.13
Item No.10
AP

WPA 1047 of 2022

Bansal Oil Extraction Private Limited and Ors.

Vs.

Union Bank of India and Anr.

(Through Video Conference)

Mr. Siddhartha Banerjee

Mr. Debashis Karmakar

Mr. Arya Nandi

... For the Petitioners.

Mr. Sailesh Mishra

... For the Respondents.

The writ petition has been moved challenging a sale of properties movable and immovable conducted by the authorized officer of Union Bank of India.

It is submitted by the Bank that only the movable properties could be sold and the immovable properties remain. Possession of the movable properties has not yet been delivered to the buyer.

The writ petition has been filed since the Debt Recovery Tribunal No.I at Kolkata is not functional. Since the other two Debt Recovery Tribunals are functional, let the Presiding Officer of the Debt Recovery Tribunal No.II at Kolkata, take up the challenge to the sale notice dated 28th December 2021 that came to be purportedly confirmed on 21st January 2022. The challenge is already registered before the Debt Recovery Tribunal No.I at Kolkata in the form of IA No.34 of 2022 arising out of SA No.221 of 2018.

In other words, it is clarified that the Debt Recovery Tribunal No.II at Kolkata shall immediately take up the

prayer for interim relief under IA No.34 of 2022 arising out of SA No.221 of 2018 which proceedings shall be deemed as transferred to the Debt Recovery Tribunal No.II at Kolkata.

The Bank is restrained from parting with the assets sold for a period of one week from date.

The Bank shall notify the name of the purchaser to the writ petitioners. The Bank and the writ petitioner shall also serve a copy of this order to such purchaser.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)